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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,854	01/26/2006	Hiroshi Nakashima	060090	8104
23850 7590 03/17/2008 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
GARCIA, CARLOS E				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,854

Applicant(s)

NAKASHIMA ET AL.

Examiner

CARLOS E. GARCIA

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/26/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/26/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. Figures 4-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

The term "play" is not thoroughly understood. The examiner cannot determine the exact definition of the term "play". This term could indicate various properties such as tolerance, length or flexibility, etc. A better definition of the term play should be provided. Further clarification is required.

Page 4, lines 14-15 discloses a Japanese Patent Application as a prior art reference but is unclear how the reference relates to the present invention. The discussion of the prior art reference must be provided in sentence format.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 5, the term “play” is not properly defined, as discussed above. Therefore, the term cannot distinctly limit the claimed subject matter since the phrase “fewer play” makes the claims difficult to understand. Proper modification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 102 (b) as being anticipated by Takizawa et al. (US 5,995,479).

Re claim 1: Takizawa et al. disclose a disk recording or reproducing apparatus (as shown in Fig. Fig.3) including, on a chassis 5, a pickup 1, which is moved while emitting a laser beam onto a signal surface of a disk (see col.3, lines 53-61), and a pair of guide shafts (2, 3) for guiding the movement of the pickup (see col.7, lines 53-55), one guide shaft 2 being fitted to the pickup with a fewer play (as shown in Fig.3; guide shaft 2 is considered to have less flexibility or less ability for movement since the optical head 1 as shown in Fig.3 is attached to guide shaft 2 by two connecting portions which constrain the movement of the guide shaft while guide shaft 3 as shown, holds the optical head 1 with only one open connecting portion which allows the optical head 1 to be adjusted in a

plane parallel to the chassis) than the other guide shaft 3, the disk recording or reproducing apparatus characterized in that: both ends of the guide shaft (as shown in Fig.3) fitted to the pickup with a fewer play are supported by support members (27, 28, 32) mounted on the chassis, and further, a cutout (see col.8, lines 12-20; the “cutouts” are circular grooves formed on a top side of support members 32 which hold the guide shafts), into which the guide shaft can be inserted, is formed on a side of at least one support member; and a pressing member 6 including an abutting piece (as shown in Fig.4; the bent plate of member 6 which faces the guide shafts and holds each guide shaft in place) is provided for preventing the guide shaft from slipping off from the cutout in the vicinity of the support member having the cutout formed thereat on the chassis (as shown in Fig.4; see col.10, lines 8-18).

Re claim 2: Takizawa et al. further disclose the abutting piece (as shown in Figs.3-4) the bent portion which covers the guide shafts and limits their movement is formed from one piece of plate mounted on the base frame 5) in the pressing member is formed by bending a mount plate mounted on the chassis, the abutting piece abutting against the guide shaft at an end surface thereof (the bent portion that covers the guide shafts and corresponding grooves abuts these shafts at the end portion of each shaft).

Re claim 3: Takizawa et al. further disclose the guide shaft is elevatably supported by the support member (as shown in Fig.3), and further, an adjusting mechanism (composed of

screws 8 or 9) is provided, on the chassis, for inclining the pickup and the guide shaft with respect to the signal surface of the disk (see col.8, lines 63-67; col.9, lines 1-1-5).

Re claim 5: Takizawa et al. disclose a method of fixing a pickup in a disk recording or reproducing apparatus including, on a chassis, a pickup, which is moved while emitting a laser beam onto a signal surface of a disk, and a pair of guide shafts for guiding the movement of the pickup, the guide shaft serving as a main shaft being fitted to the pickup with a fewer play than the guide shaft serving as an auxiliary shaft, wherein on the chassis are provided a support member, which has a cutout on a side thereof, and to which the guide shaft serving as the main shaft is fitted at the end thereof, and a pressing member for preventing the guide shaft from slipping off from the support member in contact with the end of the guide shaft (for the reasons as describe above), the method comprising the steps of: fixing the guide shaft serving as the auxiliary shaft to the chassis (as shown in Fig.3); fitting the pickup to the guide shaft serving as the auxiliary shaft (as shown in Fig.3); swinging the pickup within a plane parallel to the chassis, to thus fit the guide shaft serving as the main shaft to the pickup (the swinging of the pickup is inherently disclosed in Figs.3-4; since shaft 3 on which the pickup structure is attached by only one opened cutout support, limits the optical pickup to a swinging movement with a rotation axis orthogonal to a plane parallel to the chassis so that the pickup can be swung in a plane parallel to the chassis to be fitted or adapted to the other shaft 2 which is inserted into two round cuts on the pickup member 1); fitting the guide shaft serving as

the main shaft to the support member through the cutout formed on the side of the support member; and fixing the pressing member to the chassis (as shown in Fig.3).

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kagaya et al. (US 6,636,473).

Re claim 1: Kagaya et al. disclose a disk recording or reproducing apparatus (as shown in Fig. Fig.1) including, on a chassis 51, a pickup 56, which is moved while emitting a laser beam onto a signal surface of a disk (laser beams are used to read magnetic signals on a disk), and a pair of guide shafts (54, 55) for guiding the movement of the pickup (see col.5, lines 1-13), one guide shaft 54 being fitted to the pickup with a fewer play (as shown in Fig.1A; guide shaft 54 is considered to have less flexibility or less ability for movement since the pickup 56 as shown in Fig.1A is attached to guide shaft 54 by two connecting portions which constrain the movement of the guide shaft while guide shaft 54 as shown, holds the pickup 56 with only one open connecting portion which allows the pickup 56 to be adjusted in a plane parallel to the chassis) than the other guide shaft 3, the disk recording or reproducing apparatus characterized in that: both ends of the guide shaft (as shown in Fig.3) fitted to the pickup with a fewer play are supported by support members (57, 58, 60, 61) mounted on the chassis, and further, a cutout (as shown in Fig.2A; the cutouts are rectangular channels to receive the shafts), into which the guide shaft can be inserted, is formed on a side of at least one support member; and a pressing member (such as 58i) including an abutting piece (such as 58g) is provided for preventing the guide shaft from slipping off from the cutout in the vicinity of the support member

having the cutout formed thereat on the chassis (see Figs.2A-2B; col.7, lines 11-24; col.8, lines 23-39).

Re claim 2: Kagaya et al. further disclose the abutting piece (i.e. 58g; the bent portion which covers the guide shafts and limits their movement is formed from one piece of plate part of member 58 mounted on the chassis 51, as shown in Fig.2B) in the pressing member is formed by bending a mount plate mounted on the chassis, the abutting piece abutting against the guide shaft at an end surface thereof (the bent portion such as 58g, that covers the guide shafts and corresponding grooves abuts these shafts at the end portion of each shaft).

Re claim 3: Kagaya et al. further disclose the guide shaft is elevatably supported by the support member (as shown in Fig.2B), and further, an adjusting mechanism (i.e. composed of 59 and 70) is provided, on the chassis, for inclining the pickup and the guide shaft with respect to the signal surface of the disk (see col.7, lines 30-42, 57-59).

Re claim 4: Kagaya et al. further disclose the adjusting mechanism includes an adjusting screw 70 screwed onto the chassis (as shown in Fig.2B) and a torsion spring 59 provided, on the chassis, for urging the guide shaft toward the adjusting screw (as shown in Fig.2B; col.8, lines 17-19).

Conclusion

8. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos E. Garcia whose telephone number is 571-270-1354. The examiner can normally be reached on 8:30 am to 5:00 pm, Monday thru Thursday and 8:30 to 4:00 pm, Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos E Garcia/
Examiner, Art Unit 2627

3/20/2008

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit 2627